

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK13 CV 1890  
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LISETTE PEDROSA

Plaintiff,

NOTICE OF REMOVAL

-against-

Case No. 13 Civ. \_\_\_\_\_

THE CITY OF NEW YORK; NILDA HOFFMAN; as Deputy inspector, Commanding Officer of the 25<sup>th</sup> precinct; SALVATORE MARCHESE, as Lieutenant, formerly assigned to the 25<sup>th</sup> Precinct; GARFIELD EDMONDS, as Lieutenant, formerly assigned to the 25<sup>th</sup> Precinct, KEVIN COLEMAN, as Sergeant, formerly assigned to the 25<sup>th</sup> Precinct and JESSICA MCRORIE, as Sergeant, 25<sup>th</sup> precinct, each being sued individually in their official capacities as employees of defendant THE CITY OF NEW YORK,

Defendants.  
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**TO: THE UNITED STATES DISTRICT COURT,  
SOUTHERN DISTRICT OF NEW YORK**

Defendant, City of New York, by and through its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, respectfully show this Court as follows:

1. On or about February 25<sup>th</sup>, 2013, the New York City Law Department received a Summons and Complaint by personal service, in the above-entitled action, pending in the Supreme Court of the State of New York, County of Bronx, Index No. 301291/2013, naming City of New York, Nilda Hoffman, Salvatore Marchese, Garfield Edmonds, Kevin Coleman and Jessica McRorie, as defendants therein, and setting forth the claims for relief upon which the action is based. A copy of plaintiff's Summons and Complaint is annexed hereto as Exhibit "A."

2. The above-captioned action is a civil action of which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, in that it alleges a claim which arises under the laws and Constitution of the United States, a violation of 42 U.S.C. § 1981, 42 U.S.C.



§ 1983, and the First Amendment of the United States Constitution by defendants. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441(b) and 1443.

3. Plaintiff brings this lawsuit alleging, *inter alia*, that defendants discriminated against plaintiff on the basis of race and gender and deprived her of her civil rights, in violation of, *inter alia*, 42 U.S.C. § 1981 and 42 U.S.C. § 1983. See Exhibit "A" ¶¶174, 176, 228.

4. This Notice of Removal is timely because it is being filed within thirty days (30) days of receipt of the initial pleading by defendant The City of New York. See 28 U.S.C. § 1446(b). In addition, all defendants have consented to the instant removal. Declarations of the individually named defendants' consent to the removal are annexed hereto as Exhibit "B."

5. Defendant will promptly file a copy of this Notice of Removal with the clerk of the State Court in which the action has been pending.

**WHEREFORE**, defendant respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: New York, New York  
March 18, 2013

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CO-DEFENDANTS (via email):

NILDA HOFFMAN  
SALVATORE MARCHESI  
GARFIELD EDMONDS  
KEVIN COLEMAN  
JESSICA MCRORIE